

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Lance Middleton

Application No.: Not Yet Assigned

Group Art Unit: N/A

Filed: Herewith

Examiner: Not Yet Assigned

For: ARTIFICIAL INTERVERTEBRAL DISC

MS Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

It is respectfully requested that the references listed on the enclosed form be made of record and considered with respect to the above-referenced U.S. patent application. A copy of each reference was of record in Application No. 09/821,876, the benefit of which is claimed under §120. Submission of the present Information Disclosure Statement should not be taken as an admission that the cited references are legally available prior art or that the same are pertinent or material.

In the event that any fee is due in connection with the present Information Disclosure Statement, the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

Dated: September 26, 2003

Respectfully submitted,

By

Raymond W. Augustin

Registration No.: 28,588

LERNER, DAVID, LITTMERBERG,
KRUMLHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

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Substitute for form 1449A/B/PTO				Complete if Known	
				Application Number	Not Yet Assigned
				Filing Date	Concurrently Herewith
				First Named Inventor	Lance Middleton
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	SPINE 3.0-2144 DIV II

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
AA	US-4,349,921		09-21-1982	Kuntz	
AB	US-4,863,477		09-05-1989	Monson	
AC	US-4,874,389		10-17-1989	Downey	
AD	US-4,911,718		03-27-1990	Lee et al.	
AE	US-4,932,975		06-12-1990	Main et al.	
AF	US-4,997,432		03-05-1991	Keller	
AG	US-5,035,716		06-30-1991	Downey	
AH	US-5,258,031		11-02-1993	Salib et al.	
AI	US-5,458,638		10-17-1995	Kuslich et al.	
AJ	US-5,507,016		04-09-1996	Okuhara	
AK	US-5,645,598		07-08-1997	Brosnahan III	
AL	US-5,674,294		10-07-1997	Bainville et al.	
AM	US-5,702,449		12-30-1997	McKay	
AN	US-5,702,450		12-30-1997	Bisserie	
AO	US-5,755,798		05-26-1998	Papavero et al.	
AP	US-5,824,094		10-20-1998	Serhan et al.	
AQ	US-5,888,227		03-30-1999	Cottle	
AR	US-4,309,777		01-12-1982	Patil	
AS	US-4,714,469		12-22-1987	Kenna	
AT	US-4,759,769		07-26-1988	Hedman et al.	
AU	US-5,108,438		04-28-1992	Stone	
AV	US-5,123,926		06-23-1992	Pisharodi	
AW	US-5,147,404		09-15-1992	Downey	
AX	US-5,171,278		12-15-1992	Pisharodi	
AY	US-5,171,280		12-15-1992	Baumgartner	
AZ	US-5,171,281		12-15-1992	Parsons et al.	
AA1	US-5,306,308		04-26-1994	Gross et al.	
AB1	US-5,306,309		04-26-1994	Wagner et al.	
AC1	US-5,306,310		04-26-1994	Seibels	
AD1	US-5,320,644		06-14-1994	Baumgartner	
AE1	US-5,423,816		06-13-1995	Lin	
AF1	US-5,423,817		06-13-1995	Lin	
AG1	US-5,458,642		10-17-1995	Beer et al.	
AH1	US-5,514,180		05-07-1996	Heggeness et al.	
AI1	US-5,192,327		03-09-1993	Brantigan	
AJ1	US-5,314,478		05-24-1994	Oka et al.	
AK1	US-5,676,792		10-14-1997	Ratron	
AL1	US-6,375,655		04-23-2002	Zdeblick et al.	
AM1	US-6,296,664		10-02-2001	Middleton	
AN1	US-6,086,613		07-11-2000	Camino et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
BA	RU-2 004 218		02-15-1991		T ⁶

Examiner Signature	Date Considered
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Substitute for form 1449A/B/PTO				<i>C mplete if Kn wn</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	Not Yet Assigned
Sheet	2	of	2	Filing Date	Concurrently Herewith
				First Named Inventor	Lance Middleton
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	SPINE 3.0-2144 DIV II

	BB	EP-0 346 269	01-06-1989			
	BC	DE-P 36 20 549.4	10-06-1986			
	BD	WO-94/23671	10-27-1994			
	BE	DE-42 20 218.3	12-23-1993			
	BF	FR-2 124 815	09-22-1972			
	BG	WO-87/07827	12-20-1987			

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NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
		T ²			

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